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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 09/994,917   | 11/28/2001  | Shinichi Kikuchi     | P 284178<br>T4KM-01S0956-1 | 7403             |
| 909  | 7590        | 08/10/2006           | EXAMINER<br>SHIBRU, HELEN  |                  |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP<br>P.O. BOX 10500<br>MCLEAN, VA 22102 |             |                      | ART UNIT<br>2621           | PAPER NUMBER     |

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/994,917

Applicant(s)

KIKUCHI ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9, 18 and 19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9, 18-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 06/15/2006, have been entered and made of record. Claims 9, and 18-19 are pending.

***Response to Arguments***

2. Applicant's arguments filed 06/15/2006 have been fully considered but they are not persuasive. See the new ground(s) of rejection sets forth below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch (US Pat. No. 5,438,423) in view of Miki (US Pat. No. 5,107,481).

Regarding claim 9, Lynch discloses a method of controlling operation of a digital video recording/reproducing apparatus having recording section configured to record an external input signal (see components 22, 24 and 16), a reproducing section configured to reproduce the recorded external input signal (see components 18 and 20 in fig. 1), a display signal output section configured to output a display signal corresponding to at least one of the external input signal and the reproduced recorded external input signal (see component 20 and col. 2 lines 48-68 and claims 1 and 3), and a control section configured to control the operation of the digital

video recording/reproducing apparatus (see component 26 and col. 2 lines 30-43 and col. 3 lines 1-21, and claim 1).

Claim 9 differs from Lynch in that the claim further requires a) upon determining that a predetermined storage mode is set: (i) start recording the external input signal and (ii) start storage processing of data corresponding to a part of the external input signal by using a designated buffer area; (b) upon determining that the predetermined storage mode is not set: (i) start delete processing to delete the data in the buffer area.

In the same field of endeavor Miki discloses a system and method for managing recording areas of an optical disk. Miki teaches a recording position deciding means (component 120 in fig. 1 and see col. 5 lines 25-34). Miki further discloses assigning of erased area (see fig. 2 component 201), and if erased area is assigned recording will continue on the designated area. If erased area is not found, assigning of used area will continue. When used area is found, erasing of the previous data will continue using optical disk control section. After the erasure, recording will continue on the designated area (see fig. 2 and col. 5 line 35- col. 6 line 11). Therefore in light of the teaching in Miki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lynch by determining a designated area in order to manage recording areas.

Apparatus claim 18 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 19, Lynch discloses display signal output section is configured to output the display signal corresponding to the external input signal and the reproduced recorded external input signal, to thereby display both images of the external input signal and the

reproduced recorded external input signal on a same display screen (see col. 2 lines 30-67 and col. 3 lines 39-65).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

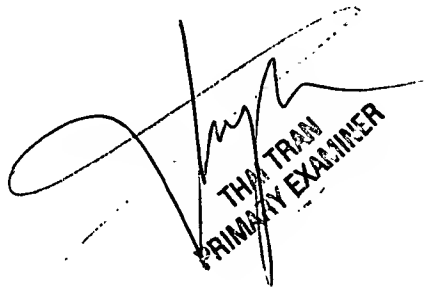
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
August 7, 2006



THAO TRAN  
PRIMARY EXAMINER